UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,865	04/10/2001	Mark T. Corl	2916-0128P	6950

2292	7590	05/19/2005		EXAMINER

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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/828,865	CORL, MARK T.
	Examiner	Art Unit
	Dominic D. Saltarelli	2611

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 March 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8 and 10-14* is/are rejected.

7)☒ Claim(s) *4 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

2.   The abstract of the disclosure is objected to because line 1 contains the phrase

"Disclosed is" which should be removed. Correction is required. See MPEP   .

§ 608.01(b).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

4.   Claims 1-3, 5-8, 10-11, and 13-14 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kaneko et al. (6,505,347) [Kaneko].

Regarding claims 1 and 13, Kaneko discloses, for a digital television

packet stream (output of multiplexer 4 in fig. 4, col. 13, lines 39-44) having a

plurality of different types of tables (col. 13, lines 56-65), a method to determine

issuance intervals for like types of said tables (transmission cycle calculated for

each type of table, col. 13, lines 56-65 and col. 15, lines 20-25), respectively, that

do not all have fixed issuance intervals (the transmission cycles are determined

dynamically by bandwidth adjuster 27, col. 15, lines 20-25), the method

comprising setting issuance intervals for like ones of said tables, respectively, to

be non-uniform (transmission cycles are determined dynamically, col. 15 line 20

– col. 16 line 33).

Regarding claim 2, Kaneko discloses the method of claim 1, wherein each

of the non-uniform issuance intervals is determined as a function of an amount of

time in the future to which the table corresponds (transmission cycles are

determined based the frequency with which they are accessed, thus tables which

are needed sooner, such as a PAT, are given a shorter transmission cycle than

tables which will not be needed until a later time, such as a CLT, col. 15, lines

26-31).

Regarding claim 3, Kaneko discloses the method of claim 2, wherein said

issuance intervals are weighted so that an issuance interval for a table

corresponding to a time nearer the present is smaller than an issuance interval

corresponding to a time further in the future (transmission cycles are determined

based the frequency with which they are accessed, thus tables which are needed

sooner, such as a PAT, are given a shorter transmission cycle than tables which

will not be needed until a later time, such as a CLT, col. 15, lines 26-31, and

shown as a prioritized cue in col. 17, lines 36-56).

Regarding claim 5, Kaneko discloses the method of claim 1, wherein said

table include EITs defined with the program and system information protocol (col.

15, lines 64-66).

Regarding claim 6, Kaneko discloses a program and system information

protocol generator (control information generator 20, shown in fig. 4, col. 12, lines

14-28) to generate tables for a digital television system packet stream (output of

multiplexer 4 in fig. 4, col. 13, lines 39-44), the generator comprising:

An interface to receive an issuance parameter for like tables (bandwidth

adjuster 27, accepting input from the bandwidth adjustment table 34, shown in

fig. 5, uses the frequency of access of different types of tables as an issuance

parameter for calculating the transmission cycle of each type of table, col. 15,

lines 20-45); and

A non-uniform interval calculation unit (fig. 5, bandwidth adjuster 27) to determine non-uniform issuance intervals for unassigned-interval-ones of said tables based upon said issuance parameter (col. 15, lines 20-45).

Regarding claim 7, Kaneko discloses the generator of claim 6, wherein each of the non-uniform issuance intervals is determined as a function of an amount of time in the future to which the table corresponds (transmission cycles are determined based the frequency with which they are accessed, thus tables which are needed sooner, such as a PAT, are given a shorter transmission cycle than tables which will not be needed until a later time, such as a CLT, col. 15, lines 26-31).

Regarding claim 8, Kaneko discloses the generator of claim 6, wherein said issuance intervals are weighted so that an issuance interval for a table corresponding to a time nearer the present is smaller than an issuance interval corresponding to a time further in the future (transmission cycles are determined based the frequency with which they are accessed, thus tables which are needed sooner, such as a PAT, are given a shorter transmission cycle than tables which will not be needed until a later time, such as a CLT, col. 15, lines 26-31, and shown as a prioritized cue in col. 17, lines 36-56).

Regarding claim 10, Kaneko discloses the generator of claim 6, wherein

said table include EITs (col. 15, lines 64-66).

Regarding claims 11 and 14, Kaneko discloses the generator of claim 6,

wherein said generator is embodied in the form of a processor running software

(fig. 5).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

6.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko.

Regarding claim 12, Kaneko discloses the generator of claim 11, but fails

to disclose said software is written in the computer language Java.

Examiner takes official notice that using the computer language Java is

notoriously well known in the art, as the Java language has the advantages of

being a portable, cross-platform, object oriented software language.

It would have been obvious at the time to one of ordinary skill in the art to

modify the generator of Kaneko to include said software is written in the

computer language Java, for the benefits of using a software language that is

object oriented, portable and platform independent, which simplifies the design

and implementation of said software.

Allowable Subject Matter

7.   Claims 4 and 9 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

Conclusion

8.   The following are suggested formats for either a Certificate of Mailing or
Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with
all correspondence concerning this application or proceeding to establish a date of
mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in
such communication being considered as timely if the established date is within the
required period for reply. The Certificate should be signed by the individual actually
depositing or transmitting the correspondence or by an individual who, upon information
and belief, expects the correspondence to be mailed or transmitted in the normal course
of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
  (Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____.
  (Date)

Typed or printed name of person signing this certificate:

_____

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS

HAI TRAN
PRIMARY EXAMINER